

EXHIBIT 3

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UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

In Re:
Bair Hugger Forced Air Warming
Products Liability Litigation

This Document Relates To:
All Actions MDL No. 15-2666 (JNE/FLM)

DEPOSITION OF GARY R. MAHARAJ
VOLUME I, PAGES 1 - 307
JANUARY 18, 2017

(The following is the deposition of GARY R. MAHARAJ, taken pursuant to Notice of Taking Deposition, via videotape, at the offices of Ciresi Conlin L.L.P., 225 South 6th Street, Suite 4600, Minneapolis, Minnesota, commencing at approximately 9:27 o'clock a.m., January 18, 2017.)

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<p>1 PROCEEDINGS</p> <p>2 (Witness sworn.)</p> <p>3 GARY R. MAHARAJ</p> <p>4 called as a witness, being first duly sworn,</p> <p>5 was examined and testified as follows:</p> <p>6 ADVERSE EXAMINATION</p> <p>7 BY MR. CIRESI:</p> <p>8 Q. Can you state your full name and the</p> <p>9 spelling of your last name for the record, please.</p> <p>10 A. Sure. It's Gary Rabindranath Maharaj,</p> <p>11 M-a-h-a-r-a-j.</p> <p>12 Q. Mr. Maharaj, my name is Mike Ciresi and I'm</p> <p>13 one of the attorneys representing the plaintiffs in</p> <p>14 this action. Have you had your deposition taken</p> <p>15 before, sir?</p> <p>16 A. Yes, I have.</p> <p>17 Q. Okay. You understand, then, that I will be</p> <p>18 asking you questions and you will be responding to</p> <p>19 those questions under oath.</p> <p>20 A. Yes, I do.</p> <p>21 Q. Okay. If at any time during my questioning</p> <p>22 you do not understand or hear a question that I ask</p> <p>23 you, please advise me. Is that agreeable?</p> <p>24 A. I will.</p> <p>25 Q. Okay. If you don't so advise me, I'm going</p>	<p>1 designed?</p> <p>2 A. In broad terms, yes.</p> <p>3 Q. Okay. What was your understanding of the</p> <p>4 environment of use based on your course at the</p> <p>5 University of Texas?</p> <p>6 A. That's a pretty broad topic and I'd have to</p> <p>7 think. It depends on the use of the device, the user,</p> <p>8 and the intended outcome of the device and where it</p> <p>9 was used, in -- in -- in broad terms. Beyond that I</p> <p>10 can't recall specific details.</p> <p>11 Q. But design criteria should take into account</p> <p>12 the environment in which the device is going to be</p> <p>13 used; correct?</p> <p>14 A. Yes.</p> <p>15 Q. The people that would be using it; correct?</p> <p>16 A. Yes.</p> <p>17 Q. The purpose for which it was intended;</p> <p>18 correct?</p> <p>19 A. Yes.</p> <p>20 Q. Any hazards that may be attendant with its</p> <p>21 use; correct?</p> <p>22 A. Yes.</p> <p>23 Q. The types of warnings that should be</p> <p>24 accompanying a device if it does have hazards;</p> <p>25 correct?</p>
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<p>1 to assume that you have both heard and understood the</p> <p>2 question. Is that also agreeable?</p> <p>3 A. Yes.</p> <p>4 Q. Okay. Couple housekeeping matters. Make</p> <p>5 sure that you let me finish my question before you</p> <p>6 respond, I will do the same; that enables us to get a</p> <p>7 clean record. All right?</p> <p>8 A. Yes.</p> <p>9 Q. And in addition, please always answer with</p> <p>10 an audible response rather than a nodding or shaking</p> <p>11 of the head.</p> <p>12 A. Yes.</p> <p>13 Q. Okay. You graduated from the University of</p> <p>14 Texas with a biomedical engineering degree?</p> <p>15 A. That was my graduate degree, yes.</p> <p>16 Q. Did you take any courses at the University</p> <p>17 of Texas that dealt with the design of medical</p> <p>18 devices?</p> <p>19 A. I don't recall. They were mainly</p> <p>20 engineering. They involved medical devices, but I</p> <p>21 don't recall specifically a design of a particular</p> <p>22 device.</p> <p>23 Q. Okay. Did you learn at the University of</p> <p>24 Texas in your design courses the concept of</p> <p>25 environment of use of a product that was being</p>	<p>1 A. If those warnings are applicable, yes.</p> <p>2 Q. After graduation from the University of</p> <p>3 Texas you obtained your MBA from the University of</p> <p>4 Minnesota?</p> <p>5 A. Yes, I did.</p> <p>6 Q. Did you have a specialty there?</p> <p>7 A. No.</p> <p>8 Q. And after that you went to work for Smith &</p> <p>9 Nephew Orthopedics?</p> <p>10 A. No. I -- I --</p> <p>11 Well first of all, I have a bachelor's</p> <p>12 degree in physics.</p> <p>13 Q. I understand that. In West Indies, the</p> <p>14 University of West Indies?</p> <p>15 A. Yes, in Trinidad. I went to Smith & Nephew</p> <p>16 just before I graduated from the University of Texas,</p> <p>17 so that's my --</p> <p>18 Q. What year would that have been in, sir?</p> <p>19 A. Nineteen --</p> <p>20 It would be 1988, February or January of</p> <p>21 1988.</p> <p>22 Q. So you worked at Smith & Nephew during the</p> <p>23 time that you were at the University of Texas?</p> <p>24 A. Well I hadn't -- I --</p> <p>25 Yes. I hadn't graduated. I was supposed to</p>

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<p style="text-align: right;">Page 97</p> <p>1 one, potentially with Paul Iaizzo, but I don't know 2 the names of the others. 3 Q. What studies did Dr. Augustine conduct or 4 test at Augustine that addressed that specific issue? 5 A. At Augustine, I don't know. 6 Q. Okay. Did you ever find any test at 7 Augustine which addressed that issue? 8 A. Can you repeat the issue? 9 Q. Whether airborne particles -- strike that. 10 The issue is your assertion that airborne 11 particles were not a problem with regard to the Bair 12 Hugger. What tests are you aware of, if any, 13 conducted at Augustine to address that specific issue? 14 A. I don't recall, and I'm not aware of some at 15 that time. 16 (Discussion off the stenographic record.) 17 Q. Now I want to direct your attention now to 18 the involvement you had in the 750. All right, sir? 19 A. Okay. 20 Q. Because, obviously, you were not involved at 21 all in the 505 design. 22 A. No. 23 Q. Okay. And first, let's deal with the 24 filter. All right? Do you know what filter was on 25 the 750?</p>	<p style="text-align: right;">Page 99</p> <p>1 A. I don't believe so. I don't believe any of 2 our devices were -- would fit the HEPA classification. 3 Q. Did the 750 have a HEPA filter? 4 A. I know there was -- 5 I recall that there was some discussion 6 about it would be cool to claim HEPA just because it's 7 a -- a known filtration standard, but I don't know if 8 it -- if in the end it actually had HEPA. I believe 9 it was a high-efficiency filter, but I -- 10 Since HEPA is a definition, I don't believe 11 it was HEPA at the end. 12 Q. All right. So you recall that it would -- 13 would have been cool to claim that it was a HEPA 14 filter because it was a known filtration standard; is 15 that right? 16 A. I remember someone saying that would be 17 nice -- 18 You know, HEPA was used in -- I believe in 19 vacuum cleaners and nuclear industry, that it would 20 have been a marketing attribute. 21 Q. Well what you said was it would have been 22 cool to claim that it was a HEPA filter because it was 23 a known filtration standard; correct? 24 A. That's what I recall that someone on the 25 team saying at the --</p>
<p style="text-align: right;">Page 98</p> <p>1 A. What do you mean by "what filter?" 2 Q. Type of filter. 3 A. No. It was a -- a filter media of some 4 specification. I don't know the exact specification. 5 Q. You don't know. 6 A. No. 7 Q. Never learned. 8 A. I don't know. 9 Q. You don't know if you ever learned? 10 A. No, I -- I don't know what the filter -- 11 Q. Okay. 12 A. -- was. 13 Q. So you don't know that you ever learned what 14 the filter was. 15 A. No. That's what I'm saying, I can't recall 16 what the filter was. 17 Q. Okay. 18 A. I may have known at the time what the -- 19 This was 15, 17, 18 years ago. I can't -- 20 Q. Do you know what a HEPA filter is? 21 A. At some level. It's -- it's a -- 22 MR. BREWER: (Sneezing) Pardon me. 23 A. It's a specific definition of a type of 24 filter, a type of high-efficiency filter. 25 Q. Did the 505 have a HEPA filter?</p>	<p style="text-align: right;">Page 100</p> <p>1 Q. Okay. 2 A. -- at the outset. 3 Q. And -- strike that. 4 Your testimony is that Arizant did not use 5 that known filtration standard in either the 505 or 6 the 750; correct? 7 A. I don't believe it was used -- 8 Now to be clear, that filtration standard is 9 a nuclear industry-derived standard, so it -- its 10 applicability to the 505 and the 750 is not direct. 11 Q. Well, a nuclear industry-derived 12 standard, -- 13 A. I believe that's how HEP -- 14 Q. -- is that what you -- 15 A. I believe that's how HEPA was derived, yes. 16 Q. And they have clean rooms, don't they, in 17 the nuclear industry? 18 A. I don't know. 19 Q. You don't know. 20 A. No. 21 Q. So it was a standard that was known that was 22 derived by -- by the nuclear ind -- from the nuclear 23 industry, but it was never used in either the 505 or 24 the 750, to the best of your knowledge. 25 A. I don't believe --</p>

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